

# Exhibit 2

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

ANDREW COLBORN,

**COPY**

Plaintiff,

-vs-

CIVIL ACTION NO. 19-CV-0484-BHL

NETFLIX, INC., ET AL.,

VOLUME I

Defendants.

VIDEOTAPED DEPOSITION OF

ANDREW L. COLBORN

DATE: July 21, 2022

TIME: 9:23 a.m. - 5:22 p.m.

LOCATION: Godfrey & Kahn, S.C.  
833 East Michigan Street  
Suite 1800  
Milwaukee, Wisconsin 53202

REPORTED BY:  
Paula Huettenrauch, RMR, CRR  
365Reporting, LLC

VIDEOGRAPHER:  
Jon Hansen, CLVS  
Video Concepts  
608.408.7411

1 Times Reporter, which is the newspaper in Manitowoc  
2 County, Wisconsin, correct?

3 A Yes, it is.

4 Q And the date in the upper left-hand corner  
5 there is January 31st, 2007. Do you see that?

6 A Sorry. No, I don't. Where is that?

7 Q (Indicating.)

8 A Oh, yes.

9 Q Do you read the Herald Times Reporter?

10 A I don't have a subscription. I occasionally  
11 look at it online.

12 Q Do you agree what you were reading the  
13 Herald Times Reporter back in 2007?

14 A Yes, I'm sure there were days in 2007 that  
15 I -- that I read the paper, yes.

16 Q Do you have any specific recollection of  
17 reading this article?

18 A I do not.

19 Q I'll read the headline of the top article to  
20 you. "Defense allowed to point finger at deputies."  
21 Do you have any quibble with the accuracy of that  
22 headline?

23 MR. BURNETT: Objection, foundation.

24 A I have an objection with everything the  
25 media --

1           Q     Mr. Colborn, you don't get to object today.  
2           You only get to answer questions. Your attorney gets  
3           to object.

4                     My question is do you dispute the accuracy  
5           of that headline? I know you -- I know you dispute  
6           that you planted evidence or the defense's theory, if  
7           we can call it that, but do you dispute the accuracy  
8           of the headline that the, quote, defense was allowed  
9           to point finger at deputies? Do you dispute that?

10          A     I'm sorry, Mrs. Walker. I thought your  
11          question was do I object to the headline.

12          Q     No. Do you dispute its accuracy that this  
13          is what the defense was allowed to do?

14                     MR. BURNETT: Objection, foundation.

15          A     No, I don't dispute the headline.

16          Q     And then there's a subheadline, "Judge:  
17          Attorneys allowed to prove Avery framed." You don't  
18          dispute the accuracy of that headline, do you?

19                     MR. BURNETT: Objection, foundation.

20          A     I'm not sure what you mean by "accuracy of  
21          that headline." That's certainly what's printed here  
22          in front of me. I don't recall the specific arg --  
23          article, but I'm not going to dispute that that's  
24          what's written and in front of me.

25          Q     I'm asking you a little bit more than that.

1 I'm asking whether you dispute the accuracy of the  
2 contents, the substance of what's being said here.

3 I can ask it differently. Isn't it true  
4 that the judge allowed the attorneys to prove that  
5 Avery was framed?

6 MR. BURNETT: Objection, foundation.

7 MS. WALKER: Again, he attended portions  
8 of the trial and was cross-examined on this very  
9 topic. I think he can answer the question.

10 MR. BURNETT: I didn't tell him not to  
11 answer the question. I objected to the foundation.  
12 I don't think you've established personal knowledge,  
13 but go ahead.

14 A Yes, it's my understanding that the judge  
15 allowed that.

16 Q So, Mr. Colborn, let me ask you just one  
17 more time if you'll go back to the proposed  
18 stipulations 7, 8, and 9. Are you still going to  
19 refuse to admit those? And I'll let you read them if  
20 you need to.

21 A Yes, I'm not going to stipulate to those.

22 Q All right. Let's take a look at Exhibit 7,  
23 which I'll hand you in just a moment.

24 A Okay.

25 (Exhibit 7 marked for identification.)

1       **Schuler, correct?**

2           A       Correct.

3           Q       And the email that Brenda sent to you was an  
4       email she sent to someone named Mr. Ferak. Mr. Ferak  
5       is referenced in the stipulations you did agree to.  
6       He's a former journalist, correct?

7           A       I'm not 100 percent positive, but I believe  
8       he still is a journalist. I believe he's the editor  
9       of the Patch newspaper in Joliet, Illinois.

10          Q       And she's writing to Mr. Ferak in your  
11       defense, and I will point you down in her email maybe  
12       eight lines where she says, "There is nothing new in  
13       Making a Murderer, other than an incredibly slanted  
14       and selectively edited (read splicing of actual  
15       testimony days apart into one) version based of the  
16       Defense's view." Do you see where I'm reading?

17          A       Yes. Yes.

18          Q       And I read that correctly, correct?

19          A       Yes, you did.

20          Q       And you forwarded this to your wife at the  
21       time, correct?

22          A       Yes.

23          Q       And that's because you agreed with  
24       Ms. Schuler, correct?

25          A       As it pertained to Mr. Ferak, yes, I did.

1           Q     Right. And you agreed there was nothing new  
2     in Making a Murderer, and it was a slanted version  
3     based on the defense's view, correct?

4           A     I didn't include any comments on that.

5           Q     That wasn't my --

6           A     I forwarded this to my ex-wife.

7           Q     That's not -- that's not my question. You  
8     forwarded it because you agreed with what Ms. Schuler  
9     wrote here, correct?

10          A     I forwarded it because my ex-wife was  
11     concerned about all the negative press we were  
12     receiving from Mr. Ferak, who was a local reporter in  
13     Wisconsin at the time.

14          Q     Okay. You can just say no, and I can ask a  
15     new question. Well, I'll just ask -- I'll ask it  
16     this way. Do you disagree with Ms. Schuler and what  
17     she said here?

18          A     I don't disagree with her opinion, no.

19          Q     Let's take a look at that proposed  
20     stipulation number 15, if you could go back to  
21     Exhibit 1.

22          A     Okay.

23          Q     I'll read it out loud to you. We asked you  
24     to agree that "Even prior to its release, Mr. Colborn  
25     understood that Making a Murderer would not portray

1 MR. BURNETT: I'll withdraw the  
2 objection. You can answer.

3 A I disagree with that statement.

4 Q On what basis? Let me -- let me ask you.  
5 You've not watched the whole thing?

6 A Correct.

7 Q In fact, you haven't even watched the last  
8 three episodes at all according to your stipulated  
9 facts, correct?

10 A That is correct, yes.

11 Q So you have no idea in those last three  
12 episodes whether it tells both sides of the stories,  
13 raises questions, or encourages viewers to reach  
14 their own conclusion? You just don't know, correct?

15 A I don't know any of the content of the last  
16 three episodes, that's correct.

17 Q Can you point me to where in Making a  
18 Murderer it contends that you planted evidence to  
19 frame Avery for Teresa Halbach's murder?

20 A I believe there's quite a few examples in  
21 the Complaint that were -- so I'm not an attorney.

22 Q I know.

23 A I hired attorneys to do the research to find  
24 that evidence.

25 Q I'm just asking you -- yeah. And your



1       **Steven Avery?**

2           A       I'm sorry. Can you repeat that? I'm sorry.

3           Q       So I'll represent to you in the three  
4       **episodes you didn't watch --**

5           A       Yes.

6           Q       -- the reading of the verdict is shown --

7           A       Okay.

8           Q       -- and Steven Avery is walked out of the  
9       **courtroom in handcuffs to jail. That detracts from**  
10       **any strong and definite statement that you planted**  
11       **evidence to frame him, correct?**

12          A       I don't know. Without watching it, I don't  
13       know. I don't know how -- in what context it was  
14       shown, so I don't know.

15          Q       Do you have any intention of watching Making  
16       **a Murderer in its entirety?**

17          A       No.

18          Q       Okay.

19          A       I don't.

20          Q       Despite litigating a federal lawsuit that  
21       **may go to trial, you don't plan to watch the**  
22       **documentary that you've sued over?**

23          A       It's ruined my life. I'm not going to pay  
24       to watch it.

25          Q       Well, that's not my question, and I'll move

1       such a thing! But a majority assumed he was  
2       guilty--why would the police have arrested him if he  
3       wasn't involved?"

4               I think I skipped over a sentence about  
5       Nancy Grace, but otherwise, did I read that  
6       correctly?

7           A     Yes.

8           Q     And do you agree with this assessment of the  
9       local reaction to the murder of Teresa Halbach and  
10      the arrest of Steven Avery?

11          A     I'll agree that there were some in the  
12      community that thought he was innocent; some thought  
13      he had done this again. I don't know if the majority  
14      was one way or the other. That's Mike's opinion.

15                   (Exhibit 15-B marked for identification.)

16          Q     Understood. So I'll now hand you  
17      Exhibit 15-B, which is also from The Innocent Killer.  
18      This is from a few pages later in the book, page 215.  
19      And in the third paragraph down, Mr. Griesbach wrote,  
20      "The Avery case was naturally the chief topic of  
21      discussion at Warren's from the date of Teresa  
22      Halbach's appearance" [sic] "until the end of the  
23      trial. From Mike the window washer to the county  
24      executive, everyone at Warren's had an opinion about  
25      the case, and given what I do for a living, they

1       **quote. You would agree with Ms. Heinzen's**  
2       **assessment, correct?**

3           A       Mrs., I believe, and, you know, that might  
4       be her interpretation of it, but yes, certainly Avery  
5       had his supporters and not quite or anywhere near as  
6       vocally. Law enforcement probably had a few  
7       supporters as well.

8           Q       So I want to turn again to Exhibit 1 and  
9       those stipulations that we proposed.

10          A       Okay.

11          Q       And specifically numbers 11, 13, and 14.  
12       I'll read them out loud. Number 11 says, "Mr.  
13       Colborn felt wronged by the frame-up theory put forth  
14       by the defense at Mr. Avery's trial."

15                 Number 13 says, "Mr. Colborn felt the  
16       frame-up theory put forth by the defense at  
17       Mr. Avery's trial harmed his reputation."

18                 And number --

19          A       Hang on one second, okay? So you're reading  
20       11, 12, and 13, because mine says 13 blank --

21          Q       Yes.

22          A       -- and 11.

23          Q       I know. If you could flip to the ones we  
24       proposed --

25          A       Okay.

1 A Yes.

2 Q She told us that you felt like the system  
3 turned on you by letting the evidence planting theory  
4 be introduced at trial. Do you agree with that?

5 A Again, I don't ever recall telling her that  
6 the system turned on me. I probably told her I  
7 didn't feel that the officers involved in the  
8 investigation were getting the backing that they  
9 probably needed from the county.

10 Q She --

11 A I'm sorry. Go ahead.

12 Q She told us that you were afraid you were  
13 going to be sent to prison. Do you agree with that?

14 A No.

15 Q She said that you were not yourself during  
16 the trial. Do you agree with that?

17 A Yes.

18 Q She said that you were quiet and could only  
19 focus on the trial. Do you agree with that?

20 A Yes.

21 Q She said you would pace in the house. Do  
22 you agree with that?

23 A Yes.

24 Q She said you were withdrawn. Do you agree  
25 with that?

1           A       Well, I've been withdrawn all my life, so  
2       certainly, yes, I agree with that.

3           Q       She said you started drinking more during  
4       the trial. Do you agree with that?

5           A       Well, I'm not going to sit here and say I  
6       crawled into the bottle because I didn't, but  
7       certainly, yes, I probably used that as some sort of  
8       way to de-stress after work, yes.

9           Q       She said you stopped going out in public.  
10      Do you agree with that?

11          A       Yes.

12          Q       She said you started avoiding people. Do  
13      you agree with that?

14          A       That would be more after the release of  
15      Making a Murderer, not during the trial.

16          Q       She said that you started feeling like you  
17      couldn't trust anyone during the trial. Do you agree  
18      with that?

19          A       No.

20          Q       So I'll ask you to look one more time at  
21      those proposed stipulations, number 11 --

22          A       Okay.

23          Q       -- 13, and 14. And my --

24          A       11, 13, and 14?

25          Q       And my question is will you agree to them?

1 Q Is it how you felt at the time of the trial?

2 A There were times that I was angry, yes.

3 Q And it was because your integrity was being  
4 questioned?

5 A It was -- among other things, yes, yes.

6 Q And you felt like no one was coming to your  
7 defense?

8 A Well, I'm speaking specifically about the  
9 media, yes. No, I didn't feel any member or news  
10 organization was coming to our defense, no.

11 Q And you felt like your reputation was taking  
12 a hit, correct?

13 A Certainly.

14 Q So now go to page 23.

15 A Of the same document?

16 Q Of the same exhibit.

17 A Okay. All right. I have it.

18 Q That second full paragraph, minute marker  
19 1:14:15. Do you see that?

20 A The one that starts, "So Mr. Ferrick"?

21 Q Yes.

22 A Yes.

23 Q It says, "So Mr. Ferrick on one occasion had  
24 written an article and it prompted a lot of death  
25 threats." Did I read that correctly?

1 A Yes.

2 Q Do you remember making this statement to the  
3 filmmakers of Convicting a Murderer?

4 A You know, I don't -- I told you earlier I  
5 don't specifically recall, but you told me this is an  
6 exact excerpt of Brenda Schuler's -- or whoever  
7 interviewed me, that this is the excerpt of what I  
8 said.

9 Q Right. No reason to dispute that you said  
10 it, correct?

11 A I'm not disputing I said that.

12 Q And that's a true statement in your mind,  
13 correct --

14 A Yes.

15 Q -- that he wrote an article and it prompted  
16 a lot of death threats?

17 A Yes.

18 Q Okay. Will you go back to Exhibit 1 and  
19 look at our proposed stipulation number 25?

20 A Yeah.

21 Q You have to go back here.

22 A No, I have to read, though, this whole thing  
23 because that may -- that article may have been about  
24 another case that had nothing to do with Steven  
25 Avery. Mr. Ferak was also going after our department

1           Q     Correct.

2           A     Yes. The sheriff's department instructed me  
3     to do it.

4           Q     And did you know that that statement was  
5     recorded and included in Episode 8 of Making a  
6     Murderer?

7           A     Well, having not watched Episode 8, no, I  
8     don't know that statement was made.

9           Q     And I'll --

10          A     So I wouldn't know what context or anything.

11          Q     I'll read the statement to you. You told  
12     the press, I hope and pray that this verdict helps  
13     put to rest any suspicions or loss of confidence that  
14     this community may have felt towards our department  
15     because I assure everyone that this agency has some  
16     of the finest law enforcement officers in the country  
17     in its employ.

18                I know you don't remember it word for word,  
19     but does that sound like what you said?

20          A     I certainly would have stood up for our  
21     department, yes, and I certainly -- and still pray  
22     for the Halbach family, so that sounds consistent.

23          Q     Does it make you feel better to know that  
24     that was included in Episode 8?

25                   MR. BURNETT: Objection, form.



1           A     I would have to watch Episode 8 and see in  
2           which context -- how it was used. Like, was it used  
3           to ridicule me? So then no, I wouldn't feel better  
4           about how it was used.

5           **Q     But you don't plan to watch Episode 8,**  
6           **correct?**

7           A     As I sit here right now today and talk with  
8           you, no, I don't plan on watching Episode 8, but  
9           certainly there's no reason I can't change my mind at  
10          some point.

11          **Q     Okay.**

12                       MS. WALKER: Let's go to Exhibit 37.

13                       (Exhibit 37-A marked for identification.)

14          A     Do I have that one or no?

15          **Q     I'm going to give it to you.**

16          A     Oh, okay.

17                       MS. WALKER: Sure. So Exhibit 37  
18          collectively is Mr. Colborn's responses to  
19          interrogatories in this case. I have marked the  
20          different responses and supplemental responses and  
21          signature pages as Exhibits 37-A, B, C, and D. It's  
22          a little confusing given the way things kind of came  
23          in.

24          **Q     But let's start with Exhibit 37-A, which,**  
25          **Mr. Colborn, I'll represent to you are the first**

1       Lauren, L-a-u-r-e-n, last name is McCracken,  
2       M-c-C-r-a-c-k-e-n.

3               **Q       Okay.**

4               A       Next oldest child's first name is Brandy,  
5       B-r-a-n-d-y, and her last name is Rima, R-i-m-a.  
6       Next oldest child's first name is Jeffrey, common  
7       spelling, also last name McCracken.

8               **Q       Anyone else?**

9               A       Yes. Next child's -- I'm going from oldest  
10       to youngest. Amanda, also common spelling, her last  
11       name is Colborn. And the youngest child's first name  
12       is Jeremiah, J-e-r-e-m-i-a-h, also last name Colborn.

13              **Q       And they're all adults, correct?**

14              A       Yes. Jeremiah would be the youngest. He's  
15       30.

16              **Q       You also did not list a woman named Jodi**  
17       **Maurer. I understand you're in a relationship with**  
18       **her, correct?**

19              A       Yes.

20              **Q       And is she a witness to your alleged**  
21       **emotional distress in this case?**

22              A       No, not really, because I don't -- we don't  
23       discuss it.

24              **Q       Okay. Do you live with her?**

25              A       Yes.

1           Q     Okay. And she's not been in a position to  
2     observe any physical manifestations of your distress?

3           A     Not really, no.

4           Q     Do you have any physical manifestations of  
5     distress?

6           A     Such as?

7           Q     Loss of weight, physical manifestations of  
8     anxiety, inability to sleep, depression.

9           A     Not depression. I do have, you know,  
10    inability to sleep. I am constantly in a state of  
11    hypervigilance. I am very distrustful of people now.  
12    I am extremely introverted, much more so than I was  
13    before.

14          Q     Do you think Ms. Maurer has been able to  
15    observe these --

16          A     No.

17          Q     Not in a position to observe it?

18          A     No.

19          Q     It's just not observable; is that what  
20    you're telling me?

21          A     Right. She's never said, like, "Why do you  
22    do this" or "Why do you do that?" She just assumes  
23    that's the way I am.

24          Q     Okay. And you haven't had any conversations  
25    with her about this case?

1           A     I have not.

2           **Q     How long have you lived with her?**

3           A     We started sharing a residence April of  
4     2021.

5           **Q     So in more than a year, this case has never**  
6     **come up?**

7           A     No. I mean, I've -- obviously I told her  
8     today I'm going to -- you know, I've told her when  
9     court dates are, and she's asked me once if the  
10    lawsuit was still ongoing because there was such a  
11    long gap between anything happening, and I said it  
12    was. She expressed concern about being drug into it,  
13    things like that.

14          **Q     So did you not list her and your children**  
15    **because you didn't want to drag them into it or is it**  
16    **because she really doesn't know anything about the**  
17    **lawsuit or the underlying facts?**

18          A     She doesn't -- yeah, she doesn't know  
19    anything about it because I won't discuss it, and she  
20    doesn't pry about it. I think she senses it's one of  
21    those topics that should be avoided.

22          **Q     And your alleged emotional distress wouldn't**  
23    **be observable by the person living in the same house**  
24    **as you?**

25          A     I don't believe so, no.

1           A     Like have I taken anything today?

2           **Q     Yeah. Do you have --**

3           A     I have acid reflux, so I took an antacid.

4           **Q     Uh-huh.**

5           A     I have asthma, so I have to take an inhaler  
6     every morning. I'm on a medication for anxiety. I  
7     can't give you the name of it. Not because I'm  
8     trying to withhold it, because I don't know, but you  
9     have my records. I believe I took one of those this  
10    morning.

11          **Q     Okay.**

12                   MS. WALKER: It's nearly 1:00. I think  
13    this is a good place to break and have lunch and come  
14    back.

15                   MR. BURNETT: Sure. What time do you  
16    want to resume?

17                   MS. WALKER: Let's go off the record.

18                   MR. BURNETT: Let's go off.

19                   THE VIDEOGRAPHER: Going off the record  
20    at 12:54.

21                   (Lunch recess held.)

22                   THE VIDEOGRAPHER: We're back on the  
23    record at 2:13.

24          **Q     (By Ms. Walker:) All right, Mr. Colborn. I**  
25    **have some wrap-up questions from items we were**

1       discussing before the lunch break, and the first one  
2       is would you agree with me that your integrity had  
3       been questioned and your reputation harmed at the  
4       time of trial?

5           A       Yes.

6           Q       And you can't as you sit here today quantify  
7       the reputational harm arising from trial and the  
8       contemporaneous media coverage that came along with  
9       the trial, can you?

10                   MR. BURNETT:  Objection, form.

11           A       I can say after the verdict, my reputation  
12       and everything went back to how it was.

13           Q       How do you know that?

14           A       Because after his conviction, the negative  
15       press stopped, people began being more favorable  
16       about the events of the trial, the unfolding of the  
17       trial, the conviction.  It was just a general  
18       atmosphere that was more supportive.

19           Q       So the publicity disappeared, but the  
20       articles that were written remained out there,  
21       correct?

22           A       That were written during the trial?

23           Q       Yes.

24           A       I don't know when they archive those, but I  
25       don't recall a blitzkrieg of negative press like

1 on.

2 Q Well, that's not my question. You agreed  
3 with Attorney Strang that he ruined your credibility?

4 A Do you mean I agreed with Brenda?

5 Q Did you agree with Brenda?

6 A I don't see where I agreed, but I'm on the  
7 same page with her, yes.

8 Q Yeah. As you sit here today, do you agree  
9 that Attorney Strang ruined your credibility and your  
10 integrity?

11 A I agree that Attorney Strang played a part  
12 in it after the release of Making a Murderer, yes.

13 Q Are you able to distinguish the reputational  
14 harm Attorney Strang caused you versus the  
15 reputational harm Jerome Buting called you -- caused  
16 you versus that that Making a Murderer caused you  
17 versus that that John Ferak caused you or that  
18 Kathleen Zellner caused you?

19 A No, I can't because Making a Murderer gave  
20 them all their material.

21 Q Well, Making a Murderer took material from  
22 the trial, correct?

23 A Kathleen Zellner wasn't part of that trial.

24 Q Making a Murderer took their material from  
25 the trial, correct?

1       years ago.

2               **Q       So you're changing your story?**

3                       MR. BURNETT:  Objection, form.

4               A       I'm saying I based a lot of this information  
5       off social media, threats that were being made to me,  
6       and I didn't have the trial transcript in front of  
7       me.

8               **Q       Any other reason you're departing from that**  
9       **statement?**

10              A       No, no other reason.

11              **Q       Two lines down from there you say, "The**  
12       **defense continues, in part thru Netflix, to maintain**  
13       **and keep alive these lies to this day.  Just last**  
14       **week Strang was on WTMJ Radio saying these things I**  
15       **just mentioned.  The trial was over 10 years ago, how**  
16       **much longer can the defense attorneys continue this**  
17       **crusade against my agency and me personally??"  Did I**  
18       **read that correctly?**

19              A       Yes.

20              **Q       And if I'm reading this, you believe the**  
21       **defense team lied about you during the trial,**  
22       **correct?**

23              A       Yes.

24              **Q       Okay.  That's when their crusade against you**  
25       **began, correct?**



1           A       Yes, I do.

2           Q       But unless Mr. Griesbach was in the room  
3 with you or any of us sitting here today were in the  
4 room with you, none of us can know with 100 percent  
5 certainty, correct?

6           A       I would think that I drove that point home  
7 in the trial, and based on the subsequent conviction,  
8 I believe the jury was convinced of it.

9           Q       We would have to trust you, correct,  
10 Mr. Colborn?

11          A       Yes, you would have to trust that I was  
12 telling the truth under oath.

13          Q       And the jury found for the prosecution and  
14 convicted Mr. Avery, correct?

15          A       Yes, they did.

16          Q       And the jury's findings were included in  
17 Making a Murderer, correct?

18                   MR. BURNETT: Objection, form.

19          Q       Do you know?

20          A       I have not watched a clip of or any of  
21 Making a Murderer when the jury verdict is read or --  
22 so I can't answer you positively. I don't know what  
23 was included. I don't know what episode that was in.

24          Q       You have no reason to dispute that it was  
25 included, correct?

1 I'm not alleging that.

2 Q Okay. And you have no reason to believe  
3 that anyone from Netflix attended any portion of any  
4 proceeding against Mr. Avery, correct?

5 A I don't know that.

6 Q I'm asking you only based on your personal  
7 knowledge, you don't have any reason --

8 A No.

9 Q -- to believe that?

10 A No, I do not.

11 Q So I'll take you back to Exhibit 1 that you  
12 signed this morning, and if you could flip to  
13 Exhibit A, which is the stipulations we proposed.

14 A One sec. I've got to find that. Okay.

15 Q And flip to Exhibit A, which is the initial  
16 stipulations we proposed.

17 A Okay.

18 Q And I want to point you to the first  
19 seven -- sorry, the first six. You declined to admit  
20 these, and my question for you is as you sit here  
21 today in your personal capacity, knowing that you  
22 rely on your lawyers to process all the evidence, but  
23 personally, let me ask you about number 1. Are you  
24 personally aware of any evidence that any Netflix  
25 employee attended any portion of any proceeding

1       **involving Steven Avery?**

2           A       I personally do not know, correct.

3           Q       **Number 2, do you have any personal knowledge**  
4       **or are you personally aware of any evidence that any**  
5       **Netflix employee has ever been to Manitowoc County,**  
6       **Wisconsin?**

7           A       During '16, '17 we had an abundance of  
8       protests out in front of our courthouse with people  
9       screaming how corrupt we were and how they should be  
10      freed, and I thought Netflix was involved in that,  
11      but I don't have any personal knowledge or evidence.  
12      Like, no one ever brought someone to me and said,  
13      "This person works for Netflix."

14          Q       **Are you personally aware of any evidence**  
15       **that any Netflix employee ever spoke to anyone who**  
16       **appears in Making a Murderer?**

17          A       I personally have no knowledge. I don't  
18      know if they did or they didn't.

19          Q       **Are you personally aware of any evidence**  
20       **that any Netflix employee ever received or read any**  
21       **transcript from any proceeding against Mr. Avery or**  
22       **involving Mr. Avery?**

23          A       Number 4, I believe I did see documents that  
24      did say that Netflix employees had a few transcripts  
25      of the criminal trial of Mr. Avery.

1           Q     Do you remember anything about those  
2     documents?

3           A     No, I don't.

4                     MS. WALKER: So we would just ask on the  
5     record that to the extent those documents exist and  
6     can be identified, that plaintiff produce them to us.

7           Q     Number 5 here, do you personally have any --  
8     are you personally aware of any evidence that any  
9     Netflix employee ever received or watched any raw  
10    footage of any proceeding involving Mr. Avery?

11          A     I believe my attorneys do have evidence that  
12    Netflix employees did view both civil and criminal --  
13    or, yes, civil and criminal video of me testifying  
14    both in deposition and in his criminal trial for the  
15    murder of Teresa Halbach.

16          Q     Okay. Do you understand that to be raw  
17    footage or footage that was produced by the  
18    filmmakers and then provided to Netflix or do you not  
19    know?

20          A     I don't know.

21          Q     Number 6, are you personally aware of any  
22    evidence that any Netflix employee ever received or  
23    watched any other raw footage used by the filmmakers  
24    in creating Making a Murderer?

25          A     I personally don't know what they used,

1 so -- or watched, no.

2 Q So going back to Exhibit 2, the Second  
3 Amended Complaint, and referring you to paragraph 46.

4 A Okay.

5 Q Actually, it will be on the -- on page 16,  
6 the last --

7 A Okay.

8 Q -- of the bullet points, and you say that  
9 among the things omitted from Making a Murderer, in  
10 the last bullet here, was that Avery had a history of  
11 extreme violence and sexual aggression against women,  
12 including beating, strangulation, death threats,  
13 attempted abduction at gunpoint, and allegations of  
14 rape. Did I read that correctly?

15 A Yes.

16 Q All right. So let's take each of those in  
17 that bullet one at a time. Do you know if there was  
18 evidence presented at trial that Avery ever beat a  
19 woman?

20 A I don't -- I don't know because I wasn't  
21 allowed to attend the trial other than the day I  
22 testified, so I don't know.

23 Q So if I told you that the judge excluded  
24 that evidence, you would have no reason to dispute  
25 me --

1           A     Correct.

2           Q     And so if Making a Murderer didn't include  
3     that evidence, that's consistent with what happened  
4     at trial as far as you know, correct?

5                     MR. BURNETT:  Objection, form.

6           A     Could you repeat?  Sorry.

7           Q     Yeah.  If these things weren't included at  
8     trial --

9           A     Uh-huh.

10          Q     -- and if Making a Murderer didn't include  
11     them, then Making a Murderer was consistent with what  
12     happened at trial, correct?

13                     MR. BURNETT:  Objection, form.

14          A     I'm not going to agree that I --

15          Q     Okay.

16          A     -- believe that Making a Murderer was  
17     consistent with what happened at trial.

18          Q     Well, you can -- I think we can agree that  
19     if we want to know what evidence was excluded, we can  
20     look at this Exhibit 57, correct?  That's the judge's  
21     order?

22          A     Yes.

23          Q     Okay.  So we talked about the exclusion from  
24     the trial of the Sandy Morris incident, and I  
25     actually want to play a clip for you now from Making

1       a Murderer. This will be from Episode 1, which we'll  
2       mark in its entirety as Exhibit 58, and then the clip  
3       we're about to play we'll mark as Exhibit 58-A.

4                       (Exhibits 58 and 58-A marked for  
5       identification.)

6                       (Video playing.)

7               Q     Had you ever seen that clip from Making a  
8       Murderer?

9               A     No.

10              Q     Okay. So if you look back at Exhibit 57, I  
11       can point you now directly to page 10, onto page 11,  
12       where the Court excluded acts of recklessly  
13       endangering the safety of Sandy Morris. And while  
14       you look for that, I'll just ask you, isn't it true,  
15       Mr. Colborn, that even though the judge did not  
16       permit the jury to hear that evidence, Making a  
17       Murderer included it?

18                   MR. BURNETT: Objection, form.

19              A     Yes. A portion of his inter -- a portion of  
20       his interview with Detective Conrad and a very small  
21       portion of her testimony was included in the clip you  
22       showed me, yes.

23              Q     And so in that sense at least, Making a  
24       Murderer painted a less flattering picture of Steven  
25       Avery than the jury was permitted to hear, correct?

1 MR. BURNETT: Objection, form.

2 A It would appear to me, based on the reaction  
3 by people around the globe --

4 Q Well, I'm going to move to strike, and I'd  
5 just ask that you answer my question, that this is a  
6 very unflattering thing to publicize about Steven  
7 Avery, not even the jury got to hear it because it  
8 was so prejudicial according to the judge, but the  
9 filmmakers put it in the documentary, correct?

10 MR. BURNETT: Objection, form.

11 A Yes, it was in the clip you just showed me.

12 Q You also complained in the Second Amended  
13 Complaint that Making a Murderer portrayed an  
14 incident involving animal abuse as an accident and at  
15 worst a childhood prank. Do you remember that  
16 allegation?

17 A Yes.

18 Q Okay. But you acknowledge that this story  
19 about the animal abuse was omitted from Avery's  
20 trial, correct?

21 A I don't know if it came up in his trial or  
22 not.

23 Q Okay. Let me point you to Exhibit 57 again  
24 and specifically page 7. There's a subhead, 1982 Act  
25 of Criminal Cruelty Involving the Killing of a Cat.



1       **Do you see that?**

2                       MR. BURNETT:   What page are we on?

3                       THE WITNESS:   7.

4                       MS. WALKER:   Page 7.

5               **Q     And if you read to the end of that Section 3**  
6       **in the Court's order, the last sentence is that "The**  
7       **offered evidence fails all three parts of the**  
8       **Sullivan test and is not admissible." Do you see**  
9       **that?**

10              A     What page is it where it mentions the  
11     Sullivan test?

12              **Q     On page 10 at the top.**

13              A     Oh, 10. Okay. Are they talking about the  
14     animal cruelty there, because it's shifted to  
15     something else by then, but --

16              **Q     So the animal cruelty section begins on**  
17       **page 7 --**

18              A     Uh-huh.

19              **Q     -- and it goes through page 8, 9, and**  
20       **concludes at the top of page 10.**

21              A     All right. I see the area you're talking  
22     about.

23              **Q     So that animal cruelty evidence was excluded**  
24       **from trial, correct?**

25              A     It looks like it.

1           Q     Did you know that Making a Murderer included  
2     that story and showed it to viewers?

3                     MR. BURNETT:  Objection, form.

4           A     No, I didn't.

5           Q     Okay.  Let's play that clip.

6                     (Exhibit 58-B marked for identification.)

7                     (Video playing.)

8           Q     Had you ever seen that clip there?

9           A     I have not.

10          Q     So based on this clip and the one of Sandy  
11     Morris, you would agree with me that viewers of  
12     Making a Murderer got a more complete picture of  
13     Mr. Avery's criminal history than the jurors did,  
14     correct?

15                     MR. BURNETT:  Objection, form.

16          A     I would agree that a watered-down version of  
17     his acts were portrayed in Making a Murderer while  
18     they weren't allowed in court.

19          Q     So at least the viewers of the documentary  
20     heard about him attacking a woman and burning a cat,  
21     correct?

22          A     Yes.

23          Q     The jury didn't get to hear about that, did  
24     they?

25          A     No.

1 A Yes.

2 Q Okay. And you're not basing your conclusion  
3 or your opinion on what Making a Murderer concludes  
4 on anything other than the hateful calls you got from  
5 a number of anonymous callers; is that correct?

6 A Hundreds, if not thousands.

7 Q Okay.

8 A Yes, that is correct.

9 Q Okay. So you turned over 89 different  
10 voicemails to us. Does that sound about right?

11 A Yes.

12 Q Okay.

13 A I don't know.

14 Q Okay. I'll represent to you we listened to  
15 each one. There were 89.

16 A Okay.

17 Q Are there thousands more you haven't turned  
18 over?

19 A No. I've turned over everything that I had.

20 Q Okay.

21 A Some didn't go to a recording.

22 Q Okay. And I'm sorry, I didn't catch your  
23 answer, so I'm going to have to ask it again. Other  
24 than those crank calls and hateful messages from  
25 dozens of anonymous people, you're not basing your

1           A       Clearly Avery, his relatives and friends,  
2       his attorneys, and then Dean Strang and Jerome  
3       Buting, investigator aren't going to give anything  
4       but biased answers.

5           Q       Okay. Well, that sort of brings me to most  
6       of what I wanted to talk about here, which is as I  
7       look through all of the responses your counsel  
8       drafted to our interrogatories, what they seem to be  
9       pointing to is bias or maybe evidence that they think  
10      demonstrates an agenda by Netflix. They've pointed  
11      to instances where Netflix was perhaps skeptical of  
12      evidence that Avery presented at his trial. You  
13      pointed yourself to some of that, where someone at  
14      Netflix thought that something Avery presented at  
15      trial was sort of weak. Do you remember pointing  
16      that one out to me?

17          A       Yes.

18          Q       And they thought that of Avery's evidence,  
19      correct? In other words, it was Avery's evidence; it  
20      wasn't something they made up out of whole cloth?

21          A       Yes.

22          Q       So I want to just talk about this notion of  
23      documentary filmmaking and bias, but before we get  
24      there, I want to ask, do you have any evidence that  
25      Netflix instructed the producer defendants to make

1           Q     Okay. And you don't think their  
2           perspective, their pro law enforcement world view,  
3           keeps them from making a fair and objective  
4           documentary I take it?

5           A     No, I don't.

6           Q     You're very pro law enforcement?

7           A     Yes.

8           Q     Pro military?

9           A     Yes.

10          Q     Conservative?

11          A     Yes.

12          Q     And you have a bias in that you are  
13          100 percent convinced that Avery is guilty, correct?

14                   MR. BURNETT: Objection, form.

15          A     I don't have a bias that way. He was  
16          convicted by a jury of his peers.

17          Q     Well, he was --

18          A     So I believe in that verdict, yes.

19          Q     Okay. He was also convicted of rape,  
20          correct?

21          A     Yes.

22          Q     And that jury verdict was flat-out wrong,  
23          correct?

24          A     Correct.

25          Q     So juries can get it wrong, correct?

CERTIFICATION PAGE

STATE OF WISCONSIN )

MILWAUKEE COUNTY )

I, PAULA M. HUETTENRAUCH, RMR, CRR,  
Notary Public in and for the State of Wisconsin, do  
hereby certify:

That prior to being examined, the  
deponent named in the foregoing deposition,  
ANDREW L. COLBORN, was by me duly sworn to testify  
the truth, the whole truth, and nothing but the  
truth.

That said deposition was taken before  
me at the time, date, and place set forth; and I  
hereby certify the foregoing is a full, true, and  
correct transcript of my shorthand notes so taken and  
thereafter reduced to computerized transcription  
under my direction and supervision.

I further certify that I am neither  
counsel for nor related to any party to said action,  
nor in any way interested in the outcome thereof; and  
that I have no contract with the parties, attorneys,  
or persons with an interest in the action that  
affects or has a substantial tendency to affect  
impartiality, or that requires me to provide any  
service not made available to all parties to the  
action.

IN WITNESS WHEREOF, I have hereunto  
subscribed my name this 28th day of July, 2022.

*Paula Huettenrauch*

Paula M. Huettenrauch, RMR, CRR  
Notary Public - State of Wisconsin

My Commission Expires 8/18/2023



UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

ANDREW COLBORN,

**COPY**

Plaintiff,

-vs-

CIVIL ACTION NO. 19-CV-0484-BHL

NETFLIX, INC., ET AL.,

VOLUME II

Defendants.

CONTINUED VIDEOTAPED DEPOSITION OF

ANDREW L. COLBORN

DATE: July 22, 2022

TIME: 9:02 a.m. - 4:40 p.m.

LOCATION: Godfrey & Kahn, S.C.  
833 East Michigan Street  
Suite 1800  
Milwaukee, Wisconsin 53202

REPORTED BY:  
Paula Huettenrauch, RMR, CRR  
365Reporting, LLC

VIDEOGRAPHER:  
Jon Hansen, CLVS  
Video Concepts  
608.408.7411

1 Buting's book come out, before Ken Kratz's book came  
2 out, before Mike Griesbach's Indefensible book came,  
3 because Making a Murderer preceded all of those.

4 Q So I'll move to strike because you're  
5 speculating. And I'm just asking you based on your  
6 personal knowledge, do you know if any of those  
7 callers had watched Making a Murderer?

8 MR. BURNETT: Let me object to the form  
9 and foundation of the question, but go ahead.

10 A All I know is I didn't receive any of these  
11 type of calls prior to the release of Making a  
12 Murderer.

13 Q Okay. So the answer to my question is you  
14 don't know?

15 A Right. Correct.

16 Q So my colleague who listened to the 89  
17 voicemails noted that very few callers mentioned  
18 their location but those who did were from out of  
19 town. Does that sound right to you?

20 A And out of the country, but yes.

21 Q So locally no one except for John Hartraub?  
22 Kevin Hartraub?

23 A Hartlaub.

24 Q Hartlaub. Locally no one was calling or  
25 confronting you in person in a critical way, correct?



1           A     So what do you consider locally?

2           **Q     Within Manitowoc County.**

3           A     Okay. Well, I gave you the example of the  
4     service --

5           **Q     Other than that.**

6           A     In Manitowoc County? I don't -- no, I don't  
7     believe so. No one in Manitowoc County I believe  
8     called. I don't recall. I'd have to look at my  
9     entire list of phone numbers, but --

10          **Q     As you sit here today, you don't recall**  
11     **that?**

12          A     No.

13          **Q     The people who left anonymous voicemails,**  
14     **you don't plan to call them to trial to testify on**  
15     **your behalf, do you?**

16          A     No.

17          **Q     Okay. And that's in part because you don't**  
18     **know who they are, correct?**

19          A     Yes, that's correct.

20          **Q     And you haven't identified any of them as**  
21     **witnesses in your discovery responses, correct?**

22          A     No.

23          **Q     And for all you know, some of these people**  
24     **were sitting in prison or a mental institution**  
25     **somewhere, correct?**

1 MR. BURNETT: Objection, foundation.

2 Q You don't know?

3 A Correct.

4 Q You do know that some of them were convicted  
5 felons, correct? I'll show you an example to jog  
6 your -- a document to jog your memory.

7 A Thank you.

8 Q Could you go to Exhibit 8?

9 A Do I have that?

10 Q Yeah.

11 A Got it.

12 Q And flip about 20 pages in to tracking  
13 number 355, if you could. Sorry, 356.

14 A Okay.

15 Q And just to refresh your memory, this is a  
16 transcript of the interview you gave for Convicting a  
17 Murderer, correct?

18 A Well, it's my answers. Again, like I said  
19 yesterday, the question doesn't appear.

20 Q Okay.

21 A And I can't determine which interview it is,  
22 but it's either interview one or two of Convicting a  
23 Murderer interviews.

24 Q Okay. So I'm going to start reading at the  
25 top of that third row. "Unwisely, I invited him to

1           Q     I don't need it. Mr. Colborn, would you  
2           agree that almost by definition the people who left  
3           those voicemails for you were unreasonable?

4           A     Yes.

5           Q     No reasonable person would react this way to  
6           a documentary, correct?

7           A     I've had reasonable people question me about  
8           it, yes.

9           Q     Well, that's not my question. No reasonable  
10          person would watch a documentary and then call and  
11          leave a death threat, correct?

12          A     Well, I would hope not, but maybe your  
13          definition of reasonable and mine might be different.

14          Q     What about under your definition?

15          A     I could see how someone could be so moved by  
16          such a production that they may contemplate it.

17          Q     Uh-huh. And follow through, you think  
18          that's reasonable?

19          A     No, I don't think it's reasonable.

20          Q     Okay. So now I want to talk a little more  
21          about Ms. Maurer. You didn't list her in your  
22          interrogatory responses, and I think your explanation  
23          for that yesterday was you haven't talked to her  
24          about the facts -- underlying facts in this case or  
25          this lawsuit, correct?

1           A     That is correct.

2           Q     And you testified yesterday she has no  
3     knowledge of your damages, that you don't have any  
4     physical manifestations of anxiety or distress that  
5     she could observe, correct?

6           A     Well, I did correct that by saying she's  
7     aware that I have hypertension.

8           Q     Okay. But otherwise, nothing she can  
9     observe?

10          A     Correct.

11          Q     And that's true even though the two of you  
12     live together?

13          A     Yes.

14                     (Exhibit 81 marked for identification.)

15          Q     I'm going to hand you what we've marked as  
16     Exhibit 81. So this is a text between you and  
17     Ms. Maurer, correct?

18          A     Correct.

19          Q     And you texted her, "Jodi, as you may have  
20     suspected this whole Avery case was and continues to  
21     be a thorn in my side. Your continued support means  
22     more to me than you can possibly imagine. Thank you  
23     so very much from the bottom of my heart." And then  
24     your counsel redacted something.

25                     Jodi responded, "Andy I'm sorry you had to

1 Q And I'm in Exhibit A --

2 A Okay.

3 Q -- of Exhibit 1, which is our initial  
4 letter.

5 A Got it.

6 Q And I'm at number 63.

7 A Oh, okay. Okay.

8 Q So let me rephrase the question. You agreed  
9 to number 61, and you agreed to number 62, that the  
10 relationship with Ms. Maurer harmed your marriage and  
11 it harmed your relationship with your children.

12 A Yes.

13 Q And I'm trying to understand how the -- how  
14 you can deny that none of this caused you anxiety and  
15 distress. Can you explain that?

16 A Well, I guess --

17 Q I can rephrase. Did the divorce cause you  
18 anxiety?

19 A Sure.

20 Q Did the divorce cause you distress?

21 A I don't know about anxiety. So --

22 Q What's the word --

23 A I'm not exactly sure of the difference in  
24 definition between the two, but I would say it  
25 certainly caused me some distress, yes.

1           A     Yes, I see it.

2           Q     You told the interviewer, "When I announced  
3 my retirement, I received calls from tens, if not  
4 hundreds, of people who thanked me or told me that I  
5 had helped them through a difficult time or they were  
6 glad that I did this or glad that I did that, and  
7 numerous people have apologized to me for not coming  
8 forward." Did I read that correctly?

9           A     Yes.

10          Q     So we had asked you to stipulate to the  
11 following statement: "Upon announcing his  
12 retirement, Mr. Colborn received supportive calls  
13 from dozens of people." Here you said you received  
14 calls from tens, if not hundreds, of people.

15                So my question is will you stipulate to that  
16 statement? I'll read it again. "Upon announcing his  
17 retirement" --

18          A     Where is this statement?

19          Q     Yeah, it's in Exhibit 1.

20          A     In your --

21          Q     My letter, number 51.

22          A     Okay. Thank you. Okay.

23          Q     Will you agree to that statement, having  
24 seen where it came from?

25          A     Yes.

1       dollar figure on it.

2               **Q       Okay.**

3               A       I would need a jury to make that  
4       determination.

5               **Q       What about Jerome Buting, can you put a**  
6       **dollar figure on how much he's harmed your**  
7       **reputation?**

8               A       That would be the same answer.

9               **Q       And Kathleen Zellner?**

10              A       Kathleen Zellner? She hasn't -- so she's  
11       flipped from different theory to different theory.  
12       Now law enforcement isn't even a suspect anymore.  
13       Plus, this is being used in the course of the defense  
14       of her client, so I would have no standing in that.

15              **Q       What about Dean Strang, can you put a dollar**  
16       **figure on how much he's harmed your reputation?**

17              A       I would just repeat the same answer that I  
18       gave you for Jerome Buting and John Ferak.

19              **Q       Okay. Mr. Colborn, my last few pages here**  
20       **is about your medical records, and I'm going to try**  
21       **not to go through them one by one in the interest of**  
22       **time. So I'll just ask you a couple questions, and**  
23       **then we'll see how deep we have to go into these.**

24              A       Okay.

25              **Q       Isn't it true that you were not prescribed**

1       anxiety and hypertension medication until two weeks  
2       after you filed this lawsuit, December 28th, 2018?

3           A       That's two different prescriptions.

4           Q       Yeah. I can ask it this way. Isn't it true  
5       you weren't prescribed anxiety medication at any  
6       point before you filed this lawsuit?

7           A       I don't recall the date I was prescribed.

8           Q       Well, you didn't go on anxiety medication  
9       when Making a Murderer was released, correct?

10          A       No.

11          Q       And you didn't go on anxiety medication that  
12       first year when you have told us you were  
13       experiencing all this backlash from Making a  
14       Murderer, correct?

15          A       Correct.

16          Q       And you didn't go on it 2 -- within the  
17       second year after its release in 2017, correct?

18          A       Do you have my medical record there so I can  
19       look at the date?

20          Q       Yeah. Exhibit 120.

21                       (Exhibit 120 marked for identification.)

22          A       Thank you.

23          Q       Uh-huh. So --

24          A       Where is the date?

25          Q       Yeah, I'm trying to find it for you. So the



1 date is about halfway down the page. It says Today's  
2 Visit. You saw Theresa Krueger-Junk, Nurse  
3 Practitioner, on Friday, December 28th of 2018. Do  
4 you see that? And then above there it says you  
5 started taking buspirone and isinopril.

6 A Lisinopril.

7 Q Thank you.

8 A Yes.

9 Q Okay.

10 A Yeah, I see the -- I see the date.

11 Q Okay. And does that jog your memory as to  
12 whether it was December 28th, 2018 when you first  
13 started taking those medications?

14 A Yes.

15 Q Okay. So not one, not two, but three entire  
16 years after Making a Murderer was released, correct?

17 A Correct.

18 Q And, in fact, it was filing the lawsuit that  
19 seemed to raise your anxiety levels; is that correct?

20 A No.

21 Q Well, the lawsuit was filed in December  
22 2018, and about eleven days later is when you went on  
23 these anxiety and blood pressure medications,  
24 correct?

25 A I would have to check on the blood pressure

1       because I thought it was a preceding visit, but I'm  
2       not 100 percent positive, but certainly I was on them  
3       by this visit. It was the fact that this just was  
4       never going away probably --

5               **Q       Okay. When do you think you went on --**

6               A       -- is the greatest --

7               **Q       Oh, I didn't mean to interrupt.**

8               A       That's okay.

9               **Q       When did you think you went on blood**  
10       **pressure medication?**

11              A       So because I have asthma, I have to have a  
12       visit every six months as opposed to a year. So I  
13       thought it was the six-month visit before that that I  
14       would have gone on blood pressure medication.

15              **Q       When would that have been approximately, the**  
16       **date?**

17              A       Well, I'm assuming June of '18.

18              **Q       Okay. Does asthma tend to cause high blood**  
19       **pressure; do you know?**

20              A       My asthma's pretty well controlled, but I  
21       don't -- I don't know if hypertension is a by-product  
22       of having asthma, for lack of a better word.

23                               (Exhibit 117 marked for identification.)

24              **Q       Okay. I'm going to hand you what we've**  
25       **marked as Exhibit 117. This is another medical**

1 record. You can see about a third of the way down  
2 the page the date of this visit was December 14th,  
3 2018, which would have been three or four days before  
4 you filed the lawsuit in this case. Do you see that?

5 A Okay.

6 Q And if you flip to the second page, at the  
7 very bottom there's a note that says, "Informed  
8 patient his blood pressure is slightly elevated.  
9 Discussed diet/salt restriction/exercise. He will  
10 monitor blood pressure at home and follow up if he  
11 notices it stays elevated." Did I read that  
12 correctly?

13 A Yes, you did.

14 Q Does this jog your memory that --

15 A Yes.

16 Q -- this was maybe the first time you had  
17 elevated blood pressure?

18 A Correct. So --

19 Q Three days or four days before you filed the  
20 lawsuit?

21 A Correct.

22 (Exhibit 112 marked for identification.)

23 Q Okay. I'm going to hand you Exhibit 112.

24 This is another medical report.

25 A Okay.

1           Q     This is from February 2018. Do you see that  
2     at the top?

3           A     Where it says dictated on 2/9/18 or no?

4           Q     I was looking at filed on 2/12/18, but --

5           A     Okay.

6           Q     -- it says you were seen on 2/9/18. So  
7     anyway, February '18, correct?

8           A     Yes.

9           Q     Okay. If you could flip to the third page.

10          A     Is it page 155 that you want?

11          Q     Yeah, and also 156.

12          A     Okay.

13          Q     You see it's just --

14          A     Got it.

15          Q     -- off by one. So this would have been two  
16     and a half years or so after Making a Murderer's  
17     release, two years? Do you see that?

18          A     Yes.

19          Q     Okay. And you filled out two screening  
20     questionnaires. One was the Depression Questionnaire  
21     where zero means not at all and 3 is nearly every  
22     day, and you scored a 1 out of, I think, 30 points  
23     here. There's ten items. Does that sound right to  
24     you?

25          A     Yes.

1           Q     Okay. So that's a very low score on the  
2     Depression Scale, correct?

3           A     Yes.

4           Q     Okay. And you were being honest when you  
5     completed this questionnaire?

6           A     Maybe. I don't know if I was honest or not.  
7     I didn't want to be put on any sort of medication.

8           Q     Okay. Well, this is --

9           A     So I may have stretched things, but I would  
10    think that for the most part I was honest.

11          Q     Okay. This is the only -- medical records  
12    are the only evidence we have of your alleged  
13    anxiety, correct?

14          A     Correct.

15          Q     Okay. The second questionnaire is the GAD,  
16    which is the General Anxiety Disorder questionnaire.  
17    Again, zero means no anxiety at all, and in every  
18    category you put a zero, correct?

19          A     Correct.

20          Q     Okay. On the next page, toward the bottom,  
21    in all caps there's a word that says PSYCH with a  
22    colon. Do you see that?

23          A     Is it on 157?

24          Q     Uh-huh.

25          A     No, I don't see that.

1           Q     I think -- so do you see there's -- there's  
2     page 156 of the medical report and then there's  
3     COLBORN 157?

4           A     Yeah, I have --

5           Q     So look at --

6           A     Oh, I see. Okay.

7           Q     Look at COLBORN 157.

8           A     Yeah, that's the page I have, COLBORN 157.

9           Q     Correct. And so do you see right here PSYCH  
10    at the top?

11          A     Okay.

12          Q     It's actually at the top and the bottom,  
13    PSYCH?

14          A     Yes.

15          Q     It says, "Denies anxiety, depression, or  
16    mania."

17          A     Yes.

18          Q     Do you see that?

19          A     Yes.

20          Q     And that's accurate, correct?

21          A     It's accurate that I denied telling her I  
22    had it, yes.

23          Q     Uh-huh. Okay. And, again, all we have to  
24    go on in terms of your anxiety and distress and  
25    emotional distress is your medical records, correct?

1 MR. BURNETT: Let me object to the form  
2 of the question. Go ahead.

3 Q And your testimony here today, that's all  
4 we've got, correct?

5 A Correct.

6 Q Okay. I don't think I've given you  
7 Exhibit 123, but I'm about to.

8 A Okay.

9 (Exhibit 123 marked for identification.)

10 Q And this is another medical record. You can  
11 see at the top under Encounter Information, it says  
12 2/20 of 2019. Do you see that?

13 A Yes.

14 Q Okay. About a year later; is that right?

15 A Yes.

16 Q Okay. Go to the second page of that  
17 document. At the very top it says Anxiety. Do you  
18 see that word?

19 A Yes.

20 Q And you told the doctor your personal  
21 situation had improved. Do you see that?

22 A Uh-huh.

23 Q Okay. And then there's on that same page  
24 another Generalized Anxiety Disorder Questionnaire.  
25 Do you see that?

1           A     Yes.

2           Q     And you put mostly zeros. You scored a 2  
3 out of a possible 21 points. Do you see that?

4           A     Uh-huh. Yes.

5           Q     Okay. You were accurate in answering that  
6 questionnaire?

7           A     Yes.

8                     MS. WALKER: All right. So let's go off  
9 the record. I think I'm done, but I just want to  
10 check my notes.

11                    THE VIDEOGRAPHER: Going off the record  
12 at 10:59.

13                             (Brief recess held.)

14                    THE VIDEOGRAPHER: We're back on the  
15 record at 11:18.

16                    MR. BURNETT: Kevin, can I go ahead and  
17 make that statement before you start?

18                    MR. VICK: Sure.

19                    MR. BURNETT: We've had a chance to  
20 discuss the time arrangement off the record, and I  
21 suspect we've exceeded the general rule for seven  
22 hours. I've talked to Mr. Vick, and I'm going to let  
23 him continue to question Mr. Colborn with the  
24 recognition that most of his questions are going to  
25 be in the -- on the subject matters -- on subject



1 plates when you called dispatch, right?

2 A Yes.

3 Q And at the end, it also includes testimony  
4 that you shouldn't have been and you weren't looking  
5 at Ms. Halbach's car when you made that call,  
6 correct?

7 A Well, there was some video footage inserted  
8 in there as well that I didn't do, like the knuckle  
9 cracking, Dean Strang's staredown. None of that was  
10 during that testimony.

11 Q Mr. Colborn, my question is different than  
12 that. It was at the very end of the clip.

13 A Uh-huh.

14 Q It includes testimony where you say again  
15 you weren't looking at Ms. Halbach's car when you  
16 made that call, correct?

17 A Yes.

18 Q So it clarifies you were not looking at the  
19 back end of her 1999 Toyota, right?

20 MR. BURNETT: Objection, form.

21 A I don't know if it clarifies it or not. It  
22 doesn't appear to because people seem to think I was.

23 Q Would you agree with me that it shows you  
24 stating explicitly twice that you were not looking at  
25 the car when you made the call to dispatch?

1           A       Yes.

2           Q       Does that address your concern that this  
3       exchange might give the impression that you were  
4       looking at the license plate when you made that call  
5       to dispatch?

6                       MR. BURNETT:  Objection, form.

7           A       Can you repeat, sir?

8           Q       Sure.  So the fact that there's two explicit  
9       denials from you that you were looking at the car  
10      when you made the call to dispatch, doesn't that  
11      address your concern that this exchange might give  
12      the impression that you, in fact, were looking at the  
13      car when you made the call?

14                   MR. BURNETT:  Same objection.

15          A       No, it doesn't address my concern.

16          Q       Why not?

17          A       Because that's not how I testified.  I  
18      testified under oath, and it wasn't portrayed -- my  
19      testimony wasn't portrayed accurately.

20          Q       But that testimony did include two explicit  
21      denials that you were looking at the car when you  
22      made the call to dispatch, correct?

23          A       Yes, I've agreed to that.

24          Q       Let's look at Exhibit B in the Second  
25      Amended Complaint.

1 right?

2 A Yes.

3 Q And that Mr. Lenk found the key after you  
4 handled the bookcase roughly, correct?

5 A Yes.

6 Q And it includes that you did not touch the  
7 key, correct?

8 A Yes.

9 Q Would you admit that that episode gets  
10 across each of the key points that Mr. Kratz elicited  
11 from you during this line of questioning in your  
12 testimony?

13 MR. BURNETT: Object, form.

14 A And the actual skill with which this was  
15 presented is the problem. It makes it appear that  
16 that is how I answered when it's not.

17 Q Would you agree that the substance that's  
18 presented, though, is the same in terms of the key  
19 points that Mr. Kratz was trying to solicit on your  
20 testimony on direct?

21 MR. BURNETT: Objection to the form.

22 A Yes, I will agree that the portions -- that  
23 a portion of my testimony about how I handled the  
24 bookcase and that I didn't touch the key are on this  
25 clip.

1 the last question, the question before it?

2 Q Oh, sure.

3 A Can I have that read back to me --

4 Q Yeah.

5 A -- please?

6 Q Do you agree that Mr. Kratz was asking  
7 questions here to make it clear that this call didn't  
8 motivate you to frame Mr. Avery for the murder of  
9 Ms. Halbach?

10 A Yes.

11 Q And to make clear that you didn't plant  
12 evidence against Mr. Avery?

13 A I don't know if this had anything to do with  
14 planting evidence. He was -- well, I guess if we go  
15 on to the next page, yes. I'm only -- I'm only on  
16 47. Are we including 48?

17 Q Oh, to be clear, I was asking about 47 and  
18 48.

19 A Okay.

20 Q If you'd like a moment to review, that's  
21 fine.

22 A Okay. I got it. Yes, that came up as well.

23 Q Is there anything I'm missing here that you  
24 would say is, you know, a crucial point in your  
25 testimony?

1 MR. BURNETT: Objection, form.

2 A They -- to start off, they eliminated the --  
3 my identification of myself when I answered the  
4 phone. I answered the phone. I said, "Manitowoc  
5 County Jail, Officer Colborn." I didn't identify  
6 myself as a deputy. By eliminating that, people  
7 watching this -- and I'm dressed in a law enforcement  
8 uniform, when I'm testifying, people automatically  
9 assume that when I was working in '94, '95, I'm a  
10 sworn law enforcement officer by eliminating that,  
11 because if I was a sworn law enforcement officer, my  
12 answering the phone would have been Manitowoc County  
13 Jail, Deputy Colborn, but I wasn't a deputy at the  
14 time. I'm a non-sworn corrections officer. So  
15 people now are like, Hmm, he's a law enforcement  
16 officer but he doesn't do nothing with this  
17 information.

18 Q And is that why you transferred the call to  
19 the detectives --

20 A Correct.

21 Q -- detective and the sheriff?

22 A I had no authority to --

23 MR. BURNETT: You've got to let him  
24 finish.

25 COURT REPORTER: Yeah, I missed the end

1 of your question, Kevin.

2 THE WITNESS: I'm sorry.

3 Q Is that why you transferred the call to the  
4 sheriff's office?

5 MR. BURNETT: Go ahead.

6 A Well, the jail is part of the sheriff's  
7 office, but that's why I transferred the call to an  
8 investigator, yes, sir.

9 Q Do you know if that fact is reflected in  
10 Making a Murderer, that you transferred the call to a  
11 detective? I'm not quizzing you on the contents of  
12 that, Mr. Colborn. I'm just asking if you know.

13 A I don't know if it's in Making a Murderer or  
14 not.

15 Q Let's --

16 A And I --

17 Q Let's look at a different clip.

18 A Okay.

19 Q This is Episode 7 still, and I'm looking at  
20 minute 17, second 36 to minute 19, second 10. Am I  
21 still sharing? Yes.

22 (Video playing.)

23 Q So the clip that we just saw, Mr. Colborn,  
24 that makes clear that you received this call in 1994  
25 or '95 when you were a corrections officer, right?

1 wishy-washy about that, pretty unsure of himself.  
2 For instance, "Have you ever planted any evidence  
3 against Mr. Avery?" my response at trial was, "That  
4 is ridiculous, no, I have not." And then the second  
5 question Mr. Kratz asked me, "Have you ever planted  
6 any evidence against anybody in the course of your  
7 law enforcement career?" that whole question is  
8 eliminated. Instead, it looks like I answered, "Have  
9 you ever planted evidence against Mr. Avery" by  
10 saying, "I have to say this is the first time my  
11 integrity has been questioned." That doesn't come  
12 across very forceful or convincing. It's hardly  
13 answering the question. So I don't believe that's an  
14 accurate portrayal.

15 **Q Did you feel that accusations that you**  
16 **planted evidence against Mr. Avery were calling into**  
17 **question your integrity?**

18 **A** The question was have you ever planted any  
19 evidence against anybody in the course of your law  
20 enforcement career. That's my answer to that  
21 question.

22 **Q Mr. Colborn, I'm going to move to strike.**  
23 **That wasn't my question.**

24 **My question is leaving this for a second,**  
25 **did you feel that accusations against you that you**

1       planted evidence against Mr. Avery, that that called  
2       into question your integrity as a law enforcement  
3       officer?

4             A       Yes.

5             Q       And do you feel like this scene shows you  
6       denying that you planted any evidence against  
7       Mr. Avery?

8             A       I'm sorry. The scene on Making a  
9       Murderer --

10            Q       Sure.

11            A       -- that you just showed me?

12            Q       The clip we just -- we just --

13            A       Is that what you are asking about?

14            Q       The clip we just looked at, you deny having  
15       planted any evidence against Mr. Avery, right?

16            A       Yes.

17            Q       Okay. Last one. If you could move on to  
18       page 52 of Exhibit B.

19            A       Okay.

20            Q       And what I'm interested in here is where it  
21       starts, oh, maybe a quarter of the page down, it says  
22       Redirect Examination.

23            A       Okay. I see it.

24            Q       So just looking at that section.

25            A       Okay.



1 A Yes.

2 Q -- that Dean Strang asked about this subject  
3 matter during his cross-exam.

4 A Yes.

5 Q And then Mr. Kratz on redirect wanted to  
6 respond to some of the points that Mr. Strang had  
7 raised, right?

8 A Yes.

9 Q Mr. Kratz wanted to make clear that you  
10 hadn't written a report about the call in 1994 or  
11 '95?

12 A Yes.

13 Q And that if you had written a report you  
14 wouldn't have known what it was about; is that right?

15 A Correct.

16 Q That you didn't know the call was even about  
17 Mr. Avery, right?

18 A Correct.

19 Q Is there anything I'm missing here that's  
20 key to understanding your testimony?

21 MR. BURNETT: Objection, form.

22 A I explained in the presence of -- all these  
23 questions were in the presence of the jury. I  
24 explained in the presence of the jury my reason that  
25 I didn't write a report has been eliminated from my

1 testimony. It just simply says, "I don't know what  
2 it would have been about," and that was actually a  
3 question, "that I received a call and transferred it  
4 to the Detective Division." There would have been no  
5 need to write a report every time you receive a  
6 telephone call and transfer it. Certainly there's no  
7 agency on the face of the Earth that does a report  
8 about that, and that whole explanation has been  
9 eliminated from my testimony there.

10 Q Let's take a look at the clip.

11 A Okay.

12 Q And this is still in Episode 7. It's at  
13 minute 23, second 48 to minute 24, second 5.

14 (Video playing.)

15 Q So the clip that we watched, again, it made  
16 clear that you didn't write a report in 1994 or '95  
17 about the call, correct?

18 A Yes.

19 Q That if you had written a report, you  
20 wouldn't have known what it was about, right?

21 A Correct.

22 Q And we can agree that the line about whether  
23 you knew the call was about Mr. Avery, that's not in  
24 this clip, right?

25 A Correct.

1       looked at earlier, which was the statement you  
2       prepared on September 12th?

3             A       Yes.

4             Q       Now -- so would you agree that based on this  
5       document, at least what this document purports to say  
6       is that your statement was, in fact, kept in the  
7       sheriff's department safe?

8             A       Yes.

9             Q       And yesterday you stipulated to that fact,  
10       right?

11            A       Yes.

12            Q       Okay. Now, you said that James Lenk had  
13       given some incorrect information to Sheriff Petersen?

14            A       Yes.

15            Q       How do you know that?

16            A       The paragraph that reads, "Sergeant Colborn  
17       said he was later informed by someone that the case  
18       was already solved and the right person was  
19       arrested." I never said that.

20            Q       And how do you know that that's what he  
21       passed on to Sheriff Petersen?

22            A       I'm reading it off his statement, so -- I  
23       wasn't there when he -- I don't know what he said  
24       verbally to the sheriff.

25            Q       That was going to be my question, is whether

1 the lawsuit. The other two I don't believe so.

2 Q How much of Making a Murderer would you  
3 estimate that you watched before you filed the  
4 lawsuit?

5 A Like in what context? Minutes?

6 Q Sure, minutes.

7 A Less than 30.

8 Q How about as you sit here today, do you have  
9 a sense of total number of minutes? And if you want  
10 to give me a range, that's fine.

11 A 45 to 60. Probably less than 60. 30 to 45.

12 Q Is that -- so you've only -- let me make  
13 sure I'm understanding this correctly. Have you  
14 watched 30 to 45 more minutes or is it still 30 to  
15 45 minutes total, meaning --

16 A No.

17 Q -- you've only watched an extra --

18 A 30 to 45 more minutes, additional minutes.

19 Q Oh, okay. Gotcha.

20 A Sorry.

21 Q So then it's a total of like an hour to hour  
22 15?

23 A Possibly, yes.

24 MR. VICK: Okay. This is a good time to  
25 take a break.

1 Strang.

2 Q I think you're right, but you made two of --  
3 you made two denials that we saw in that clip  
4 earlier, right?

5 A Yes.

6 Q I'd like you to look at Exhibit 2, which is  
7 the -- your Second Amended Complaint.

8 A Oh, I actually have that one handy for once.

9 Q And I'd like for you to look at paragraph  
10 33, and I'll read the paragraph.

11 A Okay.

12 Q It says, "A central part of Avery's defense  
13 at trial was that Plaintiff and other Manitowoc  
14 officers planted Halbach's HUV" [sic] "at the Avery  
15 Salvage Yard where Avery resided in a house trailer.  
16 With Plaintiff on the stand, Avery's attorneys played  
17 portions of his call to dispatch in an effort to  
18 convince jurors that he came upon the SUV at an  
19 undisclosed location on November 3rd, two days before  
20 it was found at the salvage yard. Cross examining  
21 Plaintiff about the contents of the call, Avery's  
22 attorneys suggested that Plaintiff was looking  
23 directly at Halbach's vehicle when he called  
24 dispatch. The claim is entirely baseless and false,  
25 and Defendants knew of its falsity." Did I read that

1       **right?**

2           A       Yes.

3           **Q       What is the basis for your allegation that**  
4       **defendants knew of the falsity of this central part**  
5       **of Avery's defense?**

6                       MR. BURNETT:  Objection, foundation.  
7       Go ahead.

8           A       They were sitting in the courtroom and saw  
9       my complete unedited testimony.

10          **Q       Now, you were alone when you made the call**  
11       **to dispatch you said, right?**

12          A       Yes.

13          **Q       So you're the only one that would know for**  
14       **certain whether or not you were looking at Teresa**  
15       **Halbach's car when you made that call, correct?**

16          A       Yes.

17          **Q       And Avery's --**

18          A       I don't have an eyewitness with me, no.

19          **Q       And Avery's attorneys were suggesting the**  
20       **opposite, right?**

21          A       I wasn't really sure what Avery's attorneys  
22       were suggesting, and I don't want to speculate or  
23       tell you that that's what they were doing because I  
24       don't know.

25          **Q       But your testimony at trial and your**

1           Q     But it's a sentiment that some people were  
2     saying at the time, right?

3                     MR. BURNETT:  Objection, foundation.

4           A     Yeah.

5           Q     It's a sentiment that some people expressed  
6     to you at the time?

7           A     Uh-huh.  Yes.

8           Q     So then, Mr. Colborn, how can you say that  
9     my clients knew that Avery's defense attorneys'  
10    theory was false?

11                    MR. BURNETT:  Objection, form.

12           A     For the reason that I said.  They sat in the  
13    courtroom the entire time, so they were privy to  
14    information that the average citizen wouldn't have.

15           Q     What was that information?

16           A     Again, we had a gag order.  So when people  
17    would ask me that question, I always had to say, "We  
18    can't discuss the case."  There was a lot of people  
19    that didn't know for a long time that Brendan Dassey  
20    had confessed to investigators and then investigators  
21    were able to locate evidence based on Brendan's  
22    confession.  People may not have known that the  
23    murder weapon was hanging over his bed.  People may  
24    not have known her bones were in his backyard after  
25    he mutilated her and burned her up in his pit.  They

1       needle."

2               A       Yes.

3               Q       "The hypodermic needle hole in this case was  
4       made when a specimen of Avery's blood was drawn by a  
5       phlebotomist and stored in the vial in connection  
6       with a 1996 post-conviction motion in his wrongful  
7       conviction case. The procedure necessarily resulted  
8       in the creation of a hole in the rubber stopper. The  
9       phlebotomist who drew the specimen from Avery in 1996  
10      was prepared to testify that's what happened in this  
11      instance." Did I read that correctly?

12              A       Yes.

13              Q       What is the basis for your allegation in the  
14      next sentence which is, "Having attended the trial in  
15      its entirety, Defendants Ricciardi and Demos were  
16      aware of the routine nature of the hole on the vial's  
17      rubber stopper and that the phlebotomist who drew the  
18      specimen from Avery was prepared to testify."

19                      MR. BURNETT: Objection, foundation.

20              Q       Or let me rephrase that. Do you have a  
21      personal knowledge basis for making the allegation in  
22      that sentence I just read?

23              A       I'm personally aware that your clients were  
24      in the court for its entirety, and I've seen the  
25      Making a Murderer episode where it's portrayed as a



1 great day for the defense when they discovered this  
2 vial that I'm assuming could have only been filmed by  
3 your defendants -- your clients I mean. I'm sorry.

4 Q Would it surprise you to learn that they  
5 didn't film it?

6 A Yes, it would.

7 Q Do you recall that Norm Gahn is in there, in  
8 that section, when it's being discovered?

9 A I viewed the portion where Jerome Buting is  
10 making a call to co-counsel.

11 Q Do you recall a little bit later Norm Gahn  
12 is in it too, who is one of the prosecutors?

13 A I know who Norm Gahn is, but I didn't view  
14 that portion of it.

15 Q So why do you think that my clients were  
16 aware of the routine nature of the hole on the vial's  
17 rubber stopper and that the phlebotomist who drew the  
18 specimen from Avery was prepared to testify?

19 MR. BURNETT: Objection, foundation.

20 Q Do you have any personal knowledge to  
21 support that portion of the allegation?

22 A I don't recall the motion hearing where that  
23 was discussed, if I was present or not, so I can't --  
24 again, a lot of these documents are the work product  
25 of my counsel. I didn't compile all this information

1       and Deputy Kucharski, can you understand how they  
2       might have some uncertainty about your three's  
3       explanation about how the key came to be found that  
4       day?

5                       MR. BURNETT:  Objection, form,  
6       foundation.

7               A       I don't have an instinctive distrust of law  
8       enforcement.  I trust law enforcement because I was  
9       in it for 27 years.  So I like to think that my  
10      testimony and when I say something, people understand  
11      that I'm under oath and I'm saying the truth.  If I  
12      don't know the answer to a question, I say I don't  
13      know.

14              Q       But can you understand how people who didn't  
15      know you personally, I'm not saying that they  
16      necessarily think that you're lying, but how they  
17      could walk away from hearing the explanation of how  
18      the key was found and just say, "I'm not sure what  
19      happened"?

20                    MR. BURNETT:  Objection --

21              Q       Can you understand that?

22                    MR. BURNETT:  Objection to form and  
23      foundation.

24              A       My explanation at trial was the only  
25      possible way I could think that that key got to where

1       it was. I don't know any other way because that was  
2       the only piece of furniture that we had searched, and  
3       then the key was discovered laying on the floor in an  
4       area we had previously looked. So I don't know.

5           Q       And I think we saw a document that  
6       Mr. Griesbach wrote yesterday where he said that he  
7       believes Steven Avery was guilty but he wasn't  
8       sure -- so sure that the police didn't plant  
9       evidence. Do you recall that document?

10       A       Yes.

11       Q       So if Mr. Griesbach wasn't sure, how can you  
12       expect my clients to have been sure?

13       A       I don't know if Mr. Griesbach had all the  
14       information available to him when he made that  
15       statement, but the key was found in Steven Avery's  
16       bedroom with Steven Avery's DNA on it, not my DNA,  
17       not Jim Lenk's DNA, not Deputy Kucharski's DNA,  
18       Steven Avery's.

19       Q       But you understand that Mr. Griesbach was  
20       very interested in the Avery case and he was a  
21       student of the case, right?

22                   MR. BURNETT: Objection, form,  
23       foundation.

24       Q       Do you think it would be fair to call  
25       Michael Griesbach a student of the Steven Avery --

1       the trial of Steven Avery for the murder of Teresa  
2       Halbach?

3                       MR. BURNETT: Same objection.

4               A       He's certainly been involved in it, although  
5       not in the trial and investigation himself. He's  
6       written books about it.

7               Q       So again I would ask, if he wasn't so sure  
8       that planting didn't occur, how can you say that  
9       other people should -- you know, either knew or  
10      absolutely should have known that the planting theory  
11      was false?

12                    MR. BURNETT: I object to the form of  
13      the question. I think it's argumentative. It's been  
14      asked multiple times and answered. Go ahead and  
15      answer if you have a further answer.

16              A       I don't have an answer other than  
17      Mr. Griesbach didn't attend the trial.

18              Q       Now, finding that key in Steven Avery's  
19      trailer turned out to be a big deal into the  
20      investigation into the murder of Teresa Halbach,  
21      right?

22              A       I don't know if one piece of evidence was  
23      more -- I don't know if any one piece of evidence was  
24      more important than -- I would say the discovery of  
25      her body in his backyard was probably more important

1           A     Correct.

2           Q     And Ms. Walker talked yesterday about  
3     certain things regarding a number of Mr. Avery's  
4     prior crimes that were not presented to the jury  
5     also, right?

6           A     Yes. We talked about that yesterday, yes.

7           Q     So I won't repeat the stuff that you went  
8     over yesterday, but I did want to talk about some  
9     other things that are included in Making a Murderer  
10    that present Steven Avery in a negative light that  
11    were not even presented to the jury but are reflected  
12    in Making a Murderer.

13                Are you aware that Making a Murderer  
14    includes Chuck Avery's statement that after Brendan  
15    Dassey's confession, he was, quote, pretty positive,  
16    end quote, that Steven probably had murdered Teresa  
17    Halbach?

18           A     No, I haven't seen that.

19           Q     And Chuck Avery is Steven Avery's brother,  
20    right?

21           A     Yes.

22           Q     Are you aware that Making a Murderer  
23    includes a scene where Barb Tadych tells Steven Avery  
24    that she hopes he burns in hell for what he did?

25           A     Her name might be pronounced "Todd-ick," but

1 no, I'm not aware of that.

2 Q Are you aware that there is a scene in  
3 Making a Murderer where Steven Avery tells his  
4 parents that if they didn't figure out how to get him  
5 out on bail within two weeks, he was going to give up  
6 and kill himself?

7 A No, I'm not aware of that.

8 Q Are you aware that there's a scene in Making  
9 a Murderer where Steven Avery himself opines that the  
10 prosecution was, quote, going to win anyway?

11 A No, I'm not aware of that.

12 Q Are you aware that Making a Murderer  
13 contains interviews with some people who say violent  
14 crime was in Steven Avery's character and others who  
15 say it was not?

16 A Well, I have seen interviews where people  
17 say that the police did it on Making a Murderer. I  
18 haven't seen any clips or any video where people are  
19 saying that they believe they -- law enforcement got  
20 it. So I'm unaware of that.

21 Q I'm really trying to limit the number of  
22 clips I show you given our time crunch.

23 A Sure.

24 Q So I'm going to pose these instead rather as  
25 questions.

1           A     Okay.

2           Q     Are you aware that there's a scene where  
3     Steven Avery's sister says that a violent assault was  
4     not in his nature?

5           A     No.

6           Q     Are you aware that there's a scene where a  
7     member of the media says that it was because he was  
8     one of the usual suspects around Manitowoc County?

9           A     No.

10          Q     Are you aware that there's a scene where the  
11     presiding judge in the Penny Beerntsen case says that  
12     he believed Avery's propensity against violence --  
13     against -- violence against women in particular, was  
14     a fact?

15          A     No, I'm not aware of that.

16          Q     Isn't that a good example of Making a  
17     Murderer showing different viewpoints and opinions  
18     regarding Steven Avery's character?

19                     MR. BURNETT:  Objection, form.

20     Go ahead.

21          A     I would have to watch the entire thing to  
22     offer an intelligent answer on that, and I haven't  
23     done that.

24          Q     Are you aware that Undersheriff Hermann is  
25     interviewed in Making a Murderer?

1 A No, I wasn't aware of that.

2 Q Are you aware that he is extremely critical  
3 of Steven Avery's allegations that evidence was  
4 planted?

5 A I'm not aware of that.

6 Q Are you aware that there is a scene in  
7 Making a Murderer where he not only denies the  
8 planting allegations but characterizes them as,  
9 quote, impossible, end quote, and quote, far-fetched,  
10 end quote.

11 A No, I'm not aware of that.

12 Q Now, incidentally, you ran against  
13 Undersheriff Hermann to replace Ken Petersen as the  
14 sheriff of Manitowoc County, right?

15 A Yes, I did.

16 Q But Making a Murderer includes a clip of  
17 him -- I'll represent that Making a Murderer includes  
18 a clip of him very vigorously disputing the planting  
19 allegations that were made against law enforcement  
20 officers. Are you aware of that?

21 A No.

22 Q Is it your position that Making a Murderer  
23 is biased against law enforcement?

24 A Yes.

25 Q Are you aware that Laura Ricciardi has



1 while we're human and imperfect, for the most part  
2 the criminal justice system does get it right.

3 Q I already told you about Undersheriff  
4 Hermann's calling the planting accusations  
5 far-fetched and impossible, right?

6 A Yes, sir.

7 Q So I'm going to play you now something from  
8 Episode 5, which I believe is one that you have  
9 seen -- or parts of the episode. I take that back.  
10 I'm going to show you a clip of Norm Gahn. Are you  
11 familiar with this scene?

12 A No.

13 (Video playing.)

14 Q Would you agree that that shows prosecutors  
15 pushing back quite vigorously against the planting  
16 theory?

17 MR. BURNETT: Objection, form.

18 A Yes.

19 Q And they refer to the officers being accused  
20 as being good, solid, decent family men, right?

21 A I don't think I saw that, but -- I don't  
22 recall hearing that, hearing them say that. I  
23 thought it centered more around the testing of the  
24 blood or that we have a right to have our reputations  
25 protected or something to that extent.

1           Q     I'll go to another clip that's maybe more  
2           directly about you. This is in Episode 7. Oh, the  
3           one I just showed was Episode 5, 1:08 to 2:34.

4           A     Okay.

5           Q     The one I'm going to show now is Episode 7,  
6           13:55 to 14:28.

7                     (Video playing.)

8                     MS. RICCIARDI: You're in Episode 5.

9                     MR. VICK: Oh, is this still in  
10           Episode 5? My apologies. Now I'm in Episode 7.

11                     (Video playing.)

12           Q     Would you agree that that shows Ken Kratz  
13           vigorously disputing the planting allegations?

14                     MR. BURNETT: Objection, form.

15           A     That appeared to be an out-of-court  
16           interview --

17           Q     Yeah.

18           A     -- with reporters, not in front of the judge  
19           like the preceding one.

20           Q     Oh, you're absolutely correct. I'm not  
21           limiting this just to the in court. I'm saying would  
22           you agree that this is an instance of Ken Kratz out  
23           of court to the media, I think the word he used was  
24           deplorable to describe the planting theory; is that  
25           accurate?

1           A     Yes.

2           Q     So this is another instance where Making a  
3     Murderer shows people pushing back strongly against  
4     the planting theory, right?

5                     MR. BURNETT:  Objection, form.

6           A     In that particular clip, yes.

7           Q     Had you ever seen that clip before?

8           A     No.

9           Q     Okay.  Same thing, Episode 27 -- or  
10    Episode 7.  Now I'm going to 24:29 to 24:50.  Again,  
11    this is going to be another one out of court.

12          A     Okay.

13                     (Video playing.)

14          Q     Is that another instance showing someone?

15          A     Yes.  I've seen that one.

16          Q     Yeah.  Did you appreciate that that one was  
17    in this episode?

18          A     I have to be honest with you, I don't  
19    appreciate anything about Making a Murderer, but I  
20    appreciate that the reporter asked that question of  
21    Attorney Strang.

22          Q     And do you appreciate that that reporter's  
23    question was then included in this episode?

24          A     Without watching it in its entirety, I have  
25    to stay by my original answer that I don't appreciate

1 anything about Making a Murderer. I don't appreciate  
2 it at all.

3 Q But you've testified that you haven't seen  
4 the whole series, right?

5 A Correct.

6 Q And I don't want to use my time showing you  
7 all the episodes.

8 A Okay.

9 Q I'll represent Episode 7 at 34:45 to 35:08,  
10 if you have any interest in seeing these later, I'm  
11 sure your counsel could probably get it for you.

12 A Yes.

13 Q There's another episode of Norm -- there's  
14 another instance of Norm Gahn sticking up for you.  
15 Is that something you're aware is in Making a  
16 Murderer?

17 A No. Well, is that the one you just showed  
18 me or --

19 Q It's a different one.

20 A Okay.

21 Q Are you aware that there is also footage, a  
22 scene, of yet another instance of Norm Gahn, this  
23 time at a press conference, where he's pushing back  
24 on the planting theory?

25 A No.

1           Q     Are you aware that during that press  
2           conference he calls it a, quote, despicable  
3           allegation?

4           A     No, I'm not aware of it.

5           Q     Would you say that Norm Gahn there in  
6           calling it a despicable allegation pretty accurately  
7           captures your own views of those allegations made  
8           against you and Lieutenant Lenk?

9           A     Certainly.

10          Q     Are you aware that there is a clip in  
11          Episode 7 of Making a Murderer that shows Mike  
12          Halbach giving his views on Steven Avery?

13          A     No.

14          Q     Are you aware that it -- that there's --  
15          that it shows that Mike Halbach believes Steven Avery  
16          was guilty and was lying when he claimed to be  
17          innocent?

18          A     I'm not aware of that in Making a Murderer,  
19          no.

20          Q     So nobody had ever told you that Mike  
21          Halbach was in -- there was a scene involving Mike  
22          Halbach giving his opinion that Steven Avery was  
23          guilty and was lying?

24          A     As it pertains to Making a Murderer?

25          Q     Correct.

1           A     That's correct.

2           Q     Are you aware that there is a scene in  
3     **Making a Murderer** in which Judge Willis provides his  
4     view that Steven Avery is, quote, probably the most  
5     dangerous individual to set forth -- set foot in this  
6     courtroom?

7           A     In **Making a Murderer**?

8           Q     **Yes, in Making a Murderer.**

9           A     No, I'm not aware that that's in **Making a**  
10    **Murderer.**

11          Q     **After this deposition, are you going to**  
12    **watch the entire series do you think, Sergeant**  
13    **Colborn?**

14                   MR. BURNETT:  Objection, form, calls for  
15    speculation.

16          A     As we sit here and talk right now, I don't  
17    have that intention, but I certainly will seek the  
18    advice of my counsel on it.

19          Q     **Prior to bringing this lawsuit, did anybody**  
20    **tell you about the clips that you and I have**  
21    **discussed in the last hour or so in which various**  
22    **individuals defend you?**

23          A     No.

24          Q     Do you think that could change your overall  
25    view of the series?

1           A       No.

2           Q       How could you know without watching them?

3           A       Well, I can't. You just said what do I  
4 think, so I thought you wanted me to render an  
5 opinion.

6           Q       Did John Ferak's columns typically include  
7 quotes from people in law enforcement who were  
8 defending you, who were telling -- who were saying  
9 that these are despicable allegations that are being  
10 made?

11          A       Not that I recall.

12          Q       I'd like to look at Exhibit -- Exhibit 1146.

13                   (Exhibit 1146 marked for identification.)

14          A       Thank you.

15          Q       This is another text between you and Brenda  
16 Schuler, right?

17          A       Yes.

18          Q       And she says at the top, "Andy, sorry to bug  
19 you as I just deleted the emails not that long ago  
20 from you. Ken needs them again. He lost them. So  
21 sorry! Can you check your emails to me please? Your  
22 'sent' file please?" And your response is, "I may  
23 have hard copy but I think I deleted them from my  
24 sent file and anywhere else after Ferak demanded all  
25 our emails. Would hard copy work???" And she says,

1           A     Is that the Amended Complaint?

2           Q     **It is, yeah.**

3           A     Okay.

4                     MR. BURNETT: Are we in a position to  
5 wrap this up?

6                     MR. VICK: We are.

7                     MR. BURNETT: Great.

8           Q     **I'd like you to look at paragraph 37**  
9 **specifically.**

10          A     Okay. Okay.

11          Q     **So here you say, "Defendants Ricciardi and**  
12 **Demos strategically spliced 'reaction' shots of**  
13 **plaintiff appearing nervous and apprehensive at trial**  
14 **into other portions of his testimony where he did not**  
15 **appear nervous or apprehensive in fact." Do you see**  
16 **that?**

17          A     Yes.

18          Q     **Do you recall what it was about your**  
19 **demeanor in any of the shots that made you look**  
20 **nervous or apprehensive? Was there anything that you**  
21 **can recall right now that made you feel that way?**

22          A     Specifically the clip that you showed me  
23 that I commented on earlier where it appears that  
24 Dean Strang is giving me some sort of staredown and  
25 the -- it pans to the shot of me leaning back and



1       cracking my knuckles.

2                   I did that during a recess out of the view  
3       of the jury. I certainly didn't do it in front of  
4       Attorney Strang, but it certainly does make me look  
5       nervous and apprehensive and that I've been caught in  
6       some sort of lie.

7           **Q     Now, Mr. Colborn, I'm not sure if you're**  
8       **aware, but during this deposition the last couple**  
9       **days, you've kept your head down a decent amount.**  
10      **Does that sound right?**

11           A     I'm frequently reading, but yes.

12           **Q     And you've sometimes had your head in your**  
13      **hands or cracked your knuckles in the course of this**  
14      **deposition. Does that sound right?**

15           A     Okay. I don't recall that, but I don't know  
16      what -- what you want me to -- what you're trying  
17      to -- can you clarify a little bit for me?

18           **Q     Well, is it possible that maybe things like**  
19      **cracking your knuckles or looking down, that that's**  
20      **just a natural mannerism of yours?**

21           A     The footage that I've watched of my trial  
22      testimony, I frequently make contact with whoever  
23      questioning me. Now, I was not in trial given a  
24      stack of documents like this and told frequently to  
25      go to this page, go to that page, look at this, look

CERTIFICATION PAGE

STATE OF WISCONSIN )

MILWAUKEE COUNTY )

I, PAULA M. HUETTENRAUCH, RMR, CRR,  
Notary Public in and for the State of Wisconsin, do  
hereby certify:

That prior to being examined, the  
deponent named in the foregoing deposition,  
ANDREW L. COLBORN, was by me duly sworn to testify  
the truth, the whole truth, and nothing but the  
truth.

That said deposition was taken before  
me at the time, date, and place set forth; and I  
hereby certify the foregoing is a full, true, and  
correct transcript of my shorthand notes so taken and  
thereafter reduced to computerized transcription  
under my direction and supervision.

I further certify that I am neither  
counsel for nor related to any party to said action,  
nor in any way interested in the outcome thereof; and  
that I have no contract with the parties, attorneys,  
or persons with an interest in the action that  
affects or has a substantial tendency to affect  
impartiality, or that requires me to provide any  
service not made available to all parties to the  
action.

IN WITNESS WHEREOF, I have hereunto  
subscribed my name this 28th day of July, 2022.



Paula M. Huettenrauch, RMR, CRR  
Notary Public - State of Wisconsin

My Commission Expires 8/18/2023

